

## **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**December 16, 2013  
Francis Faulkner Hearing Room  
7:00 p.m.**

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

### **CITIZENS' CONCERNS**

Dr. Mary Donald representing the Acton Service - Salvation Army spoke about the organization and asked that the Board members offer to ring the bell.

### **CHAIRMAN'S UPDATE & OPERATIONAL MINUTE**

Mr. Ledoux – Noted he has finalized the town budget proposal and will present that later tonight. He has also been working on the Knox Trail bus issue and will also discuss that later in the meeting. He said that in response to a complaint from the neighbors regarding the Lazaro Property on River Street, town representatives and Town Counsel went to the site visit and met with Mr. Lazaro and his attorney. They will send a letter to Mr. Lazaro and his attorney about issues they need to address and resolve. Currently it is mainly a staging for jobs and they will be gathering information and will be reviewing the use going forward.

Ms. Adachi – The I-495 Collaborative held an awards dinner at Mathworks and awarded Doug Halley for his work in the public sector with regard to Transportation. State Representative Cory Atkins has set up a meeting regarding Minuteman Vocational Technical School in Boston. Nancy Banks and Janet will attend. The Open Space and Recreation Plan 2012 – 2017 Draft has been distributed to committees and boards. Questions and comments can be forwarded to Natural Resources. The Town Manager evaluation is due in January so Janet will send out the forms to the Board for the review. Counsel will again rank the results.

### **PUBLIC HEARINGS & APPOINTMENTS**

**PANERA SITE PLAN #3/5/13-441, 252 MAIN STREET – CONTINUED FROM SEPTEMBER 9th PETITIONER IS ASKING FOR A CONTINUANCE TO FEBRUARY 25, 2014 AT 7:15**

Mr. Sonner – Moved to continue the site plan to February 25, 2014. Mr. Gowing – second. UNANIMOUS VOTE.

### **TOWN MANAGER WILL PRESENT HIS FY 15 BUDGET**

The Town Manager presented his budget. He outlined the process of putting together the budget documents with staff. He outlined the budget and what they would be addressing in the Capital Budget. One of the big issues he addresses is the approximately \$500k in APS

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retiree health insurance that was previously covered under the APS budget and now is under the town purview. He is continuing to work with the district to figure out how this can be addressed so we are made whole. He discussed the main budget drivers and outlined the municipal budget functions. Without the APS retiree costs, this budget represents a 2.2% increase over FY'14.

Mr. Sonner asked if the \$588,000 for public teachers would be an ongoing cost. Mr. Ledoux said that it would but that it would be diminishing over time. Mr. Sonner asked for a New positions impact for FY15 could he get break out of what planned impact for FY16 as well.

Mr. Clough asked about the new Arborist position within the Municipal Properties. He also expressed his concerns with the 4.2% increase in the budget over FY'14 if we do have to account for the APS retirees.

Mr. Gowing asked about the highway vehicle replacement process. Mr. Ledoux said it would be a lease-like program instead.

Ms. Green asked about the ALS proposal and asked to see the study we funded at last year's town meeting.

Herman Kabokoff – Asked about procedural issues, and how the data will be made available to the public. The Town Manager noted that the Budget is on the town website as of tonight and that people can ask the Town Manager's office for a hard copy.

Mr. Evans asked about OPEB and it's affect on potential employees and asked for profit and loss information for the Nursing Service.

### **CVS – SITE PLAN #8/10/13-444, DRAFT DECISION**

Ms. Adachi introduced the draft decision. She noted that she worked with the Zoning Enforcement Officer on the various conditions included in the draft.

Mr. Gowing was concerned with the excessive number of parking spaces. He noted that we've expressed our concerns before but this continues to be an issue.

Mr. Sonner commented on section 3.1.2 about screening trees, he thought from our previous discussion that the trees would be on the south side. Height of trees neighbors asked for was 30 feet minimum and no small juniper bushes. He asked about current or potential plantings and was it discussed with Mr. Charter.

Mr. Clough asked about page 4, 2.12 flexible parking plan. He wanted to see if we could bind and restrict the number of parking in subsequent development.

Ms. Green was concerned about parking and wants to talk about it more but did not want to derail the project. She asked about having them take out the spaces in the two separate rows along the back. Scott Mutch said it made since to take the back 30 out. They will have plenty of parking.

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Mr. Mattocks – Noted that they do not have a project without that parking. They anticipate a high volume store and will be a 24 hour operation. If they cannot deliver the parking the deal is off.

Ms. Adachi has observed and noted that most Walgreens and other pharmacies have too much parking.

The CVS proponents said they had worked very hard to design the building to address our concerns. They have worked hard with the Town to develop this site.

Doug Tindal, resident, noted that in laying out shopping centers they tend to be more high density parking. He felt we should be look again and give them a little more than the minimum but not all they are asking for.

Mr. Clough spoke about Kelley's Corner development and the amount of time and money going in to it. He commented that we have all these Kelley Corner issues and he would like to see a comprehensive plan of the three parcels that are now being presented in a piece meal manner.

Rich Mattocks said they will be coming to the boards to talk about moving forward with the future projects and would like to permit the next two buildings together. On the issue of how many parking spaces, he noted that the spaces will not be used at all times but that peak periods will require more spaces to be available.

Ms. Green said we have worked hard with neighbors and there has been give and take on the issues on both side.

Mr. Sonner said it is balancing of the two risks – CVS under planning our risk is we over build the lots. If we under plan they could come back when they need more spaces.

Vinnie Cuttone noted the concern of the board, but they needed the parking spaces.

Mr. Gowing noted that the problem is every business wants a guarantee of parking spaces. But we need to address the best interests of the citizens.

Ms. Adachi asked if we reduce by 19 to 20 spaces and would that be an issue with Planning. Scott said the 18 at the back and would become landscaping and would help the situation.

Tim Boisvert, president of TRB felt it was important to note that the perception of the loading in the rear was second generation. They switched the opening and loading dock at the site. He said they have been working with Roland for five years and have given and given and are asking for a site plan with the parking they need. They have no flexibility on the parking. They have done everything Roland suggested and are proud of the plan. 3.2 draft says we can analyze the three driveways and combine

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them into one with future site plans. He asked that we tighten up the language and no change in the foot print of the building. This is CVS specific.

Mr. Sonner does not want to change the wording paragraph A so we retain the flexibility and he wants to drop 18 spaces.

Ms. Green was comfortable in with 54 parking spots total. She noted that we have shown good faith and they have too. Parking is the one remaining issue.

Mr. Bosivert said they will have to appeal this reduction of the spots.

Mr. Gowing agreed with what Ms. Green and said the 19 spaces are excess in this process.

Mr. Sonner said that if we limit the parking to 54 he could vote yes if we also deal with the tree plantings.

Bolher Engineering noted the language 3.2.A could work.

Mr. Sonner – Move to approve plan with 3 changes: In 3.1.2, change the word north to south, 2. In 2.11 change 97 to 78 and change 73 to 54, 3. In 3.2.1 A remove the words "features including." Ms. Green seconded.

Scott Mutch had some issues with the wording of the motion.

Withdrawn motion and second withdrawn.

3.1.5 reduced parking by 19 at the south of the building.

Mr. Sonner – Moved to approve with 4 changes: 1. Insert new language in 2.13 indicating that there is no justification for the number of parking spaces requested, 2. In 3.1.2, change north to south, 3. In 3.1.5 remove 19 spaces to the south of the building, 4. In 3.2.1 remove the words "features including." Ms. Green second, 4-1 Mr. Clough-NO, Motion passes.

## **SELECTMEN'S BUSINESS**

### **ACTON COMMUNITY HOUSING CORPORATION, RECOMMENDATIONS REGARDING THE REUSE OF THE MORRISON FARM HOUSE**

Ms. Adachi discussed the memo from Nancy Tavernier. She asked that Mr. Gowing outline the Morrison Farm group comments. Maryanne Ashton received the report and they have not met yet since receiving Nancy's memo. They will be reviewing it in January and will forward their comments to the Board. Everyone agreed that it would be best to discuss this issue after hearing from the Morrison Farm Committee.

## **KNOX TRAIL UPDATE DISCUSSION**

The Town Manager outlined the results of the Town Meeting in Concord and the issues discussed that night. He said that he read the letter from the Board. He also noted that the Concord School Committee threatened to go to private busing if this proposal was not approved. He noted that we have the same Town Counsel as Concord and that Steve Anderson asked if their firm could represent Concord in any potential suit. Mr. Ledoux said no and since Town Counsel won't be able to represent us either, he asked that the chair assist him in finding outside counsel. Mr. Sonner spoke about the out sourcing of the bus drivers and his impressions of the Concord Town Meeting.

Ms. Adachi spoke about the materials sent by the AWD. She said that they will need to be reviewed in January.

Ron Parenti of the Water District said at first thought it was not a big problem until they found out that there would be multiple uses such as a re-fueling station and storage of Town highway equipment on the site. He said that he was disappointed in how Concord has dealt with this issue.

Doug Tindal – has had experience with a similar issue in another town and noted that the noise and fumes are additional environmental issues.

Mr. Gowing – Moved to Authorize Town Manager to move forward with obtaining special counsel. Mr. Sonner second. UNANIMOUS VOTE

## **BOARD OF SELECTMEN VOTE TO CLOSE THE WARRANT FOR 2014 TOWN MEETING AT THE CONCLUSION OF BUSINESS ON DECEMBER 31, 2013**

Mr. Gowing - Moved to close the warrant for 2014 Annual Town Meeting as noted above – Mr. Sonner – second. UNANIMOUS VOTE

## **SELECTMEN'S REPORTS**

Mr. Sonner: –The Acton Memorial Library Long Range Planning will be coming before the Board January 6<sup>th</sup>. Acton 2020 will also be approaching us about putting together a Steering Committee to focus on Kelley's Corner. He went on a ride along with the Fire Chief and toured the fire houses which was very informative. He announced that he will not be running for reelection in 2014.

Mr. Clough – The Community Preservation Committee is currently going through their applications. They have heard from Open Space, the Acton Woman's Club and on the proposal to repaint town hall. He mentioned the land gift of assorted parcels at Mill Dam - we will likely be seeing this on an agenda soon. The Finance Committee met and noted that the HIT took a \$700k hit and the funds are down 15 percent and will need 10 percent increase for current employees. They also discussed capital funds and how to use them.

Ms. Adachi – Shared pictures of the ABCC sculptures in NARA. ABCC will be making their grant decisions and will be notifying applicants. She noted the work that the Conservation Commission and Linda McElroy have been doing in regard to the Trail Through Time. The School presented a broad view of the finances to the regional financial oversight committee.

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WRAC will meet next week to work on the revised stormwater bylaw and have a place holder on the warrant for the bylaw. ZBA met and continued its hearing on 6 Post Office Square to January 6<sup>th</sup> because of issues with filing the notice of the hearing. She noted the Girl Scout tour at town hall. She will be working on the Annual Town Report.

Mr. Gowing – **HDC** – the Historic District discussed writing a support letter to the CPC regarding the repainting of town hall in its original colors.

**RTAC** – MBTA Assistant General Manager, Marie Trottier, spoke about the MBTA system wide accessibility issues. Many of the older inner-city stations are not accessible currently and would not be without major renovations. On the commuter rail lines, about half of the existing are accessible. Marie came from Harvard University and was tagged with the responsibility of coming up with a plan going forward. The first pass at the TIP were presented and will become formalized in January (when there will be a 30 day comment period). New projects to be considered for inclusion in the universe of projects should be submitted by end of January. Two TIP projects in our area are the Bruce Freeman rail trail and the Assabet River rail trail that are still on track.

**ALG** – better-than-expected excise tax and higher evaluation for new growth resulted in a positive \$366,000 over our last meeting. The school committee was going to vote their position on the FinCom point of view. There was discussion about the APS retiree's health insurance (which has been paid by the school in the past). It would represent approximately 2% of the town budget.

**LRTA** – the LRTA voted on their OPEB fund allocation (\$76,000) for the year. They also voted to utilize PRIT as their investment vehicle.

Ms. Green – Recreation met with AB Youth Baseball representatives to discuss signage at Veterans Field. They are also looking at a fee structure for the new NARA pavilion use. They also will be considering a fee for large scale rentals of the entire park.

The AB School Committees had a presentation on enrollment projections. They saw a continued decrease in enrollment this year district wide. Had a presentation from JD Head about the two tier busing system. They had hoped to be able to propose a one tier system this year but due to budget concerns, they will stay with the two tier system for next year.

## CONSENT

Hold Minutes of November 18th

Mr. Sonner - Moved to approve Consent Items 9-12– Mr. Clough - second. UNANIMOUS VOTE

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Christine Joyce  
Recording Secty

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Clerk

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Date